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UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL JOHN AVENATTI,

Defendant.

SA CR No. 19-061-JVS

ORDER AUTHORIZING DISCLOSURE OF
TAX RETURNS AND RETURN
INFORMATION; AND PROTECTIVE ORDER
LIMITING DISCLOSURE OF PROTECTED
TAX INFORMATION AND SENSITIVE
INFORMATION

The Court having considered the stipulation and request for
(1) an order authorizing the disclosure of tax returns and return
information; and (2) a protective order limiting disclosure of
protected tax information and sensitive information filed by the
United States Attorney for the Central District of California
("USAO") and Assistant United States Attorneys Julian L. André and

1 Brett A. Sagel, and defendant MICHAEL JOHN AVENATTI ("defendant"),
2 both individually and by and through his counsel of record, H. Dean
3 Steward (collectively, the "parties") in this matter, and good cause
4 appearing therefor, the Court hereby ORDERS as follows:

5 1. Pursuant to 26 U.S.C. § 6103(h)(4)(D), the government may
6 produce to counsel for defendant copies of tax returns and return
7 information obtained by the USAO during the course of the
8 investigation leading to the indictment and currently in the USAO's
9 possession.

10 2. In order to permit the government to provide discovery
11 material to counsel of record for defendant, while avoiding the
12 unauthorized dissemination, distribution, or use of tax returns and
13 return information, as well as personal identification information,
14 financial records, and other sensitive or confidential information
15 relating to third parties, including defendant's former clients or
16 employees ("Sensitive Information"), the parties have stipulated to
17 the entry of this Protective Order in the above-captioned case,
18 United State v. Michael John Avenatti, SA CR No. 19-061-JVS.

19 3. The term "Sensitive Information" includes, without
20 limitation, the names of alleged victims, witnesses, and other third
21 parties; dates of birth; social security numbers; driver's license
22 numbers; PIN numbers; bank or financial account information; taxpayer
23 identification information; tax information; home addresses; phone
24 numbers; email addresses; employment information; passwords;
25 attorney-client communications; and confidential legal information.

26 4. This Protective Order shall apply to all discovery
27 materials containing tax returns and return information (as defined
28 in 26 U.S.C. § 6103(b)(2))) and Sensitive Information (collectively,

1 the "Protected Information") that is produced to the defense team, as
2 defined below, before or after the execution of this Protective
3 Order.

4 5. For the purposes of this Order, the term "defense team"
5 refers to the counsel of record for defendant and any other defense
6 attorneys for defendant, defense investigators, retained experts or
7 potential experts, and paralegal and legal assistants providing
8 assistance on this case who have been advised of their obligations
9 under the Protective Order and agreed to follow its terms. The
10 "defense team," for the purposes of the Protective Order, includes
11 defendant. The "defense team" does not include family members and
12 other associates of defendant.

13 6. Defendant's undersigned counsel of record agrees to advise
14 all members of the defense team of their obligations under the
15 Protective Order and ensure their agreement to follow the Protective
16 Order, prior to providing members of the defense team with access to
17 any Protected Information.

18 7. The defense team, including defendant, shall use materials
19 containing Protected Information only for the preparation and
20 litigation of this matter, and for no other purpose. Litigation of
21 this matter includes any appeal filed by defendant, and any motion
22 filed by defendant pursuant to 28 U.S.C. § 2255.

23 8. The defense team, including defendant, shall not permit
24 anyone who is not a member of the defense team to retain in his or
25 her possession any materials containing Protected Information.

26 9. The defense team may review materials containing Protected
27 Information with witnesses or potential witnesses in this case
28 (including their counsel), but the witnesses or potential witnesses

1 may not retain any materials containing Protected Information after
2 his or her review of those materials with the defense team is
3 complete.

4 10. The defense team shall maintain all discovery materials
5 containing Protected Information safely and securely, and shall
6 exercise reasonable care in ensuring the confidentiality of those
7 materials.

8 11. To the extent that notes are made that memorialize, in
9 whole or in part, Protected Information, or to the extent that copies
10 of materials containing Protected Information are made for authorized
11 use by members of the defense team, such notes, copies, must be
12 handled in accordance with the terms of the Protective Order.

13 12. If a party needs to file materials with the Court
14 containing unredacted Protected Information or needs to divulge
15 Protected Information in court filings, such filings should be made
16 under seal. If the Court rejects the request to file such Protected
17 Information under seal, the party seeking to file such Protected
18 Information shall provide advance written notice to the other party
19 to afford such party an opportunity to object or otherwise respond to
20 such intention. If the other party does not object to the proposed
21 filing, the party seeking to file such information shall redact the
22 Protected Information and make all reasonable attempts to limit the
23 divulging of Protected Information.

24 13. Upon the final disposition of this case, materials
25 containing Protected Information shall not be used, in any way, in
26 any other matter, absent a court order. All materials containing
27 Protected Information maintained in the defense team's files shall
28 remain subject to the Protective Order unless and until such order is


1 modified by court order. Within thirty days of the conclusion of
2 appellate and post-conviction proceedings, the defense team shall
3 return any materials containing Protected Information to the USAO or
4 certify that such materials have been destroyed. Defense counsel is,
5 however, authorized to retain any such materials that defense counsel
6 is required to maintain under the California Rules of Professional
7 Responsibility or any other applicable rule of professional
8 responsibility.

9 14. In the event that there is a substitution of counsel prior
10 to when such documents must be returned, new defense counsel must
11 join this Protective Order before any materials containing Protected
12 Information may be transferred from the undersigned defense counsel
13 to the new defense counsel, who then will become the defense team's
14 custodian of the materials and who shall then become responsible for
15 returning all materials Protected Information to the government upon
16 the conclusion of appellate and post-conviction proceedings.

17 IT IS SO ORDERED.

18
19 May 20, 2019

20 DATE



HONORABLE JAMES V. SELNA
UNITED STATES DISTRICT JUDGE

21 Presented by:

22 /s/ Julian L. André
23 JULIAN L. ANDRÉ
24 BRETT A. SAGEL
Assistant United States Attorneys